

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARLA THORNSBURY,	:	
Plaintiff,	:	
v.	:	Case No. 3:14-cv-165
DEPUTY BRIAN CROWE, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #16); SUSTAINING IN PART AND OVERRULING IN PART DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AS TO PLAINTIFF'S SECOND CAUSE OF ACTION (DOC. #8); DISMISSING WITHOUT PREJUDICE PLAINTIFF'S STATE LAW CLAIM OF MALICIOUS PROSECUTION; GIVING PLAINTIFF 14 DAYS TO FILE A MOTION FOR LEAVE TO AMEND HER COMPLAINT; SUSTAINING DEFENDANTS' UNOPPOSED JOINT MOTION TO BIFURCATE CLAIMS AND STAY DEFICIENT POLICY CLAIM (DOC. #11)

Based on the reasoning and citations of authority set forth by Chief United States Magistrate Judge Sharon L. Ovington in her January 13, 2015, Report and Recommendations, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing, Doc. #16, in its entirety. Although the parties were notified of their right to file objections to the Report and Recommendations, and of the consequences of their failure to do so, no objections have been filed within the time allotted.

Defendants' unopposed Joint Motion to Bifurcate Claims and Stay Deficient Policy Claim, Doc. #11, is SUSTAINED.

Defendants' Motion for Judgment on the Pleadings as to Plaintiff's Second Cause of Action, Doc. #8, is SUSTAINED IN PART and OVERRULED IN PART.

Plaintiff's claim of malicious prosecution under Ohio law is DISMISSED WITHOUT PREJUDICE. Plaintiff shall have 14 days to move for leave to file an amended complaint, to clarify whether her malicious prosecution claim is brought under 42 U.S.C. § 1983.

Date: February 2, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE